

Rt. Hon. Rebecca Alitwala Kadaga
Speaker of Parliament of Uganda

Hon. Mary Turyahikayo
ICT Committee chairperson,
Plot No. 16 – 18 Parliamentary Avenue

23 February 2017

To the Right Honourable Speaker of Parliament of Uganda Rebecca Alitwala Kadaga and the Honourable Mary Turyahikayo,

We are writing to you regarding the proposed amendments to the Communications Act, in the form of Bill No. 2. The Communications Act needs major revisions to bring it into line with international standards but, unfortunately, Bill No. 2 entirely fails to address the Act's major problems.

Of chief concern is the fact that the Communications Act fails sufficiently to guarantee the independence of the main regulatory body, the Uganda Communications Commission. According to international human rights law, bodies with regulatory powers in relation to the media should be protected against interference from or control by government or any ministry. This is recognised, for example, in the Declaration of Principles on Freedom of Expression in Africa, Principle VII (1) of which states:

Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.

While the Communications Act pays lip service to the notion of independence for the Commission, it also requires the Commission to report to and receive policy directions from the Minister of Information and Communications Technology. The Minister is also responsible for appointing the majority of the members of the Board of the Commission, has the power to remove members and retains control over the Board's finances, all of which runs counter to international better practice. These problems are particularly troubling in light of instances where the Commission has targeted critics of government policy. For example, in 2009 four stations were shut down allegedly for discouraging a government-proposed land law.

There are numerous other ways in which the Communications Act should be amended to improve the regulatory system for broadcasting. Among other things, it fails to put in place an adequate system for promoting diversity in the airwaves. There is no provision, for example, for community broadcasting and the limited rules for deciding between competing television licence applications do not even refer to diversity. The Act and its Schedule 4 also include vague rules on content, prohibiting content which is against public morality or which creates public security, while requiring programmes to be balanced and to ensure harmony.

Rather than working to build greater independent oversight into the system, to promote media diversity and to put in place an appropriate system for regulation of broadcast content, Bill No. 2 threatens to weaken Parliamentary control over broadcasting by removing the requirement that regulations made under section 93 of the Act be approved by Parliament. This is both a step in the wrong direction and a wasted opportunity to address the Act's real shortcomings. Rather than the current proposed changes, we call upon the authorities to use this as an opportunity to undertake a full review of the Communications Act with a view to strengthening independent oversight over Uganda's expressive sphere.

Yours sincerely,

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The Unwanted Witness